

House Bill 1632 (AS PASSED HOUSE AND SENATE)

By: Representatives Coleman of the 144th and Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

To create the Historic Milan Railroad Depot Museum Authority; to provide a short title; to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the collection of the revenues, tolls, fees, charges, earnings, and contract payments of the authority; to fix and provide for the venue and jurisdiction of actions relating to any provisions of this Act; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "Historic Milan Railroad Depot Museum Authority Act."

SECTION 2.

Historic Milan Railroad Depot Museum Authority.

(a) There is hereby created a public body corporate and politic to be known as the "Historic Milan Railroad Depot Museum Authority," which shall be deemed to be a political subdivision of the state and a public corporation, and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The authority shall have perpetual existence.

(b) The authority shall consist of five members who shall be appointed for a term of four years as follows: two members will be appointed by the mayor of the City of Milan, Georgia; one member will be appointed by the chairperson of the Dodge County Commission; one

1 member will be appointed by the chairperson of the Telfair County Commission; and one
2 member will be appointed by a caucus of the members of the Georgia House of
3 Representatives and the Georgia Senate who represent Dodge and Telfair counties.

4 (c) All appointments shall be made for terms of four years and until successors are
5 appointed and qualified. Immediately after such appointments the members of the authority
6 shall enter upon their duties. To be eligible for appointment as a member of the authority a
7 person shall be at least 21 years of age, a resident of the State of Georgia for at least two
8 years prior to the date of his or her appointment, a resident of Dodge County or Telfair
9 County, and shall not have been convicted of a felony. Any member of the authority may be
10 selected and appointed to succeed himself or herself.

11 (d) Members of the authority shall receive no compensation for their service as members of
12 the authority. If funds are available, members may be reimbursed for their actual expenses
13 necessarily incurred in the performance of their duties.

14 (e) The members of the authority shall elect one of their number as chairperson and another
15 as a vice chairperson. The members of the authority shall also elect a secretary, who need not
16 be a member of the authority, and may also elect a treasurer, who need not be a member of
17 the authority. The secretary may also serve as treasurer. If the secretary or treasurer is not a
18 member of the authority, such officer shall have no voting rights. Each of such officers shall
19 serve for a period of one year and until their successors are duly elected and qualified.

20 (f) Three members of the authority shall constitute a quorum. No vacancy on the authority
21 shall impair the right of the quorum to exercise all of the rights and perform all of the duties
22 of the authority.

23 **SECTION 3.**

24 **Definitions.**

25 As used in this Act, the term:

26 (1) "Authority" means the Historic Milan Railroad Depot Museum Authority created by
27 this Act.

28 (2) "Costs of the project" means and embraces the cost of construction; the cost of all
29 lands, properties, rights, easements, and franchises acquired; the cost of all machinery
30 and equipment; financing charges; interest prior to and during construction and for six
31 months after completion of construction; the cost of engineering, architectural, fiscal
32 agents' and legal expenses, plans and specifications, and other expenses necessary or
33 incidental to determining the feasibility or practicability of the project; administrative
34 expenses, and such other expenses as may be necessary or incident to the financing herein

1 authorized; working capital; and all other costs necessary to acquire, construct, add to,
2 extend, improve, equip, operate, and maintain the project.

3 (3) "Depot" means the former CSX depot located in the City of Milan, Georgia.

4 (4) "Museum" means a museum to be developed in and around the grounds of the Milan,
5 Georgia railroad depot building.

6 (5) "Project" means all buildings, facilities, and equipment necessary or convenient for
7 the efficient operation of the Milan depot and museum, or any department, agency,
8 division, or commission thereof.

9 (6) "State" means the State of Georgia.

10 **SECTION 4.**

11 **Powers.**

12 The authority shall have the power:

13 (1) To have a seal and alter the same at its pleasure;

14 (2) To acquire by purchase, lease, gift, or otherwise, and to hold, operate, maintain, lease,
15 and dispose of real and personal property of every kind and character for its corporate
16 purposes;

17 (3) To acquire in its own name by purchase, on such terms and conditions and in such
18 manner as it may deem proper, or by condemnation in accordance with the provisions of
19 any and all existing laws applicable to the condemnation of property for public use, real
20 property or rights or easements therein, or franchises necessary or convenient for its
21 corporate purposes, and to use the same so long as its corporate existence shall continue,
22 and to lease or make contracts with respect to the use of or dispose of the same in any
23 manner it deems to the best advantage of the authority, the authority being under no
24 obligation to accept and pay for any property condemned under this Act, except from the
25 funds provided under the authority of this Act, and in any proceedings to condemn, such
26 orders may be made by the court having jurisdiction of the suit, action, or proceedings as
27 may be just to the authority and to the owners of the property to be condemned, and no
28 property shall be acquired under the provisions of this Act upon which any lien or
29 encumbrance exists, unless at the time such property is so acquired a sufficient sum of
30 money is to be deposited in trust to pay and redeem the fair value of such lien or
31 encumbrance;

32 (4) To appoint, select, and employ officers, agents, and employees, including
33 engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix
34 their respective compensations;

(5) To execute contracts, leases, installment sale agreements, and other agreements and instruments necessary or convenient in connection with the acquisition, construction, addition, extension, improvement, equipping, operation, or maintenance of a project; and any and all persons, firms and corporations, the City of Milan, Georgia, Dodge County, Georgia, and Telfair County, Georgia, are hereby authorized to enter into contracts, leases, installment sale agreements, and other agreements or instruments with the authority upon such terms and for such purposes as they deem advisable and as they are authorized by law;

(6) To acquire, construct, add to, extend, improve, equip, hold, operate, maintain, lease, and dispose of projects;

(7) To pay the costs of the project with funds available to the authority or from any grant or contribution from the United States of America or any agency or instrumentality thereof or from the state or any agency or instrumentality or other political subdivision thereof or from any other source whatsoever;

(8) To accept loans and grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(9) To accept loans and grants of money or materials or property of any kind from the state or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the state or such agency or instrumentality or political subdivision may require;

(10) To exercise any power usually possessed by private corporations performing similar functions; and

(11) To do all things necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5.

Venue and jurisdiction.

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the Superior Court of Dodge County, Georgia, which shall have exclusive, original jurisdiction of such actions.

SECTION 6.

Moneys received considered trust funds.

1 All moneys received pursuant to the authority of this Act shall be deemed to be trust funds
2 to be held and applied solely as provided in this Act.

3 **SECTION 7.**

4 Purpose of the authority.

5 Without limiting the generality of any provision of this Act, the general purpose of the
6 authority is declared to be that of stabilizing, renovating, and maintaining the depot building
7 in Milan, Georgia; developing a railroad and local history museum at the depot and on
8 adjacent grounds; and naming said museum.

9 **SECTION 8.**

10 Rates, charges, and revenues; use.

11 The authority is hereby authorized to prescribe and fix rates and to revise same from time to
12 time and to collect revenues, tolls, fees, and charges for the services, facilities, and
13 commodities furnished.

14 **SECTION 9.**

15 Rules, regulations, service policies, and
16 procedures for operation of projects.

17 It shall be the duty of the authority to prescribe or cause to be prescribed rules, regulations,
18 service policies, and procedures for the operation of any project or projects constructed or
19 acquired under the provisions of this Act. The authority may adopt bylaws.

20 **SECTION 10.**

21 Tort immunity.

22 To the extent permitted by law, the authority shall have the same immunity and exemption
23 from liability for torts and negligence as the City of Milan, Georgia; and the officers, agents,
24 and employees of the authority when in the performance of the work of the authority shall
25 have the same immunity and exemption from liability for torts and negligence as the officers,
26 agents, and employees of the City of Milan, Georgia, when in the performance of their public
27 duties.

SECTION 11.

Tax-exempt status of authority.

The properties of the authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the state and not for purposes of private or corporate benefit and income, and such properties and the authority shall be exempt from all taxes and special assessments of any municipality, county, or the state and any political subdivision thereof.

SECTION 12.

Effect on other governments.

This Act shall not and does not in any way take from the City of Milan, Georgia, the authority to own, operate, and maintain public facilities.

SECTION 13.

Liberal construction of Act.

This Act, being for the welfare of various political subdivisions and municipalities of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 14.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 15.

Repealer.

All laws and parts of laws in conflict with this Act are hereby repealed.